

No. 9(1)81-6Lab./10661.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. S.D.O. Ujina Mechanical Sub-Division, Centre Palwal, Kothi No. 946, Sector-6, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 104 of 1981

between

SHRI BHAGWAN SAHAI, WORKMAN AND THE MANAGEMENT OF M/s. SUB-DIVISIONAL  
OFFICER, UJINA MECHANICAL SUB-DIVISION, CENTRE PALWAL, KOTHI NO. 946,  
SECTOR-15, FARIDABAD

Present . —

Shri Bhim Singh Yadav, for the workman.  
None, for the management.

#### AWARD

By order No. ID/FD/9/81/19022, dated 8th April, 1981, the Governor of Haryana referred the following dispute between the management of M/s. Sub-Divisional Officer, Ujina Mechanical Sub-Division, Centre Palwal, Kothi No. 946, Sector-15, Faridabad and its workman Shri Bhagwan Sahai, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Bhagwan Sahai was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The representative for the workman appeared but the management did not appear despite service and the case was proceeded *ex parte* against the management. Then the case was fixed for *ex parte* evidence of the workman. The workman in his *ex parte* evidence stated that he was employed by the management with effect from 5th January, 1979. The management terminated his services with effect from 10th October, 1980. He was drawing wages Rs 291 p.m. No letter of termination was given to him. He was unemployed. The management employed new workman after his termination.

Believing *ex parte* statement of the workman, I give my award that the termination of services of the workman was neither justified, nor in order. The workman is entitled to reinstatement with continuity of service and with full back wage. I order accordingly.

Dated the 28th August, 1981.

M. C. BHARDWAJ,  
Presiding Officer, Industrial Tribunal, Haryana,  
Faridabad.

No. 785, dated the 9th September, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 9(1)81-6Lab./10662.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. S.D.O., Ujina Mechanical Sub-Division, Centre Palwal, Kothi No. 946, Sector-15, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 105 of 1981

between

SHRI DEEP CHAND, WORKMAN AND THE MANAGEMENT OF M/s. SUB-DIVISIONAL  
OFFICER, UJINA MECHANICAL SUB-DIVISION, CENTRE, PALWAL, KOTHI NO. 946,  
SECTOR-15, FARIDABAD

Present—

him Singh Yadav, for the workman.  
None, for the management.

## AWARD

By order No. ID/FD/9/81/19016, dated 8th April, 1981, the Governor of Haryana referred the following dispute between the management of Sub-Divisional Officer, Ujina Mechanical Sub-Division Centre, Palwal, Kothi No. 946, Sector-15, Faridabad and its workman Shri Deep Chand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Deep Chand was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The representative for the workman appeared but the management did not appear despite service and the management was proceeded against *ex parte* and the case was fixed for *ex parte* evidence of the workman. The workman in his *ex parte* evidence stated that he was employed by the management as a Pump Operator with effect from 1st March, 1979. His services were terminated on 1st August, 1980. He was drawing wages Rs. 347 p.m. No letter of termination was given to him. The management employed new workmen after his termination. He was unemployed.

Believing *ex parte* statement of the workman, I give my award that the termination of services of the workman was neither justified, nor in order. The workman is entitled to re-instatement with continuity of service and with full back wages. I order accordingly.

Dated the 28th August, 1981

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

No. 786, dated the 9th September, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

No. 9(1)81-6Lab./10663.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Dalmia Cement India Ltd., Ballabgarh.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 228 of 1981

between

SHRI SUKH RAM, WORKMAN AND THE MANAGEMENT OF M/S DALMIA CEMENT  
BHARAT LTD., BALLABGARH

Present.—

None, for the workman.

Shri V. Hoon, for the management.

## AWARD

By order No. ID/FD/63/81/32498, dated 6th July, 1981, the Governor of Haryana referred the following dispute between the management of M/s Dalmia Cement Bharat Ltd., Ballabgarh and its workman Shri Sukh Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Sukh Ram was justified and in order? If so, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The representative for the management appeared but the workman did not appear despite service, and the case was ordered to be dismissed for non-prosecution by the workman. I, therefore, dismiss the case for non prosecution by the workman.

Dated the 28th August, 1981

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 787, dated 9th September, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 9(1) 81-6Lab/10878. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Krishna Fabrications Pvt. Ltd., Plot No. 315, Sector 24, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD

Reference No. 25 of 1981

between

SMT. SANTOSH KALRA, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S.  
KRISHNA FABRICATIONS PVT., LTD., PLOT NO. 315, SECTOR 24, FARIDABAD

Shri Darshan Singh, for the workman.

Shri Surender Singh Rao, for the management.

#### AWARD

This reference No. 25 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana, vide his order No. 1D/FD/198-80/386, dated 5th January, 1981 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shrimati Santosh Kalra workman and the respondent management of M/s. Krishna Fabrications Pvt. Ltd., Plot No. 315, Sector 24, Faridabad. The term of the reference was :-

Whether the termination of services of Shrimati Santosh Kalra was justified and in order? If not, to what relief is he entitled?

After receiving this reference, summons were issued to both the parties. The parties appeared in the Court after receiving the notice and filed their pleadings. On the pleadings of the parties, following issues were framed :-

- (i) Whether the workman resigned her job and voluntarily abandoned the services of the respondent? If so, to what effect.
- (ii) Whether the termination of services of the workman is proper, justified and in order? If not, to what relief is he entitled?
- (iii) Relief.

The first issue was ordered to be preliminary issue and decided first. The case of the claimant according to his demand notice, claim statement and rejoinder is that the claimant joined the services of the respondent on 28th January, 1980 at the salary of Rs 250 per month as a permanent employee and the respondent management terminated her services on 2nd November, 1980 without giving any notice, warning or charge-sheet. The order of termination is illegal and unjustified. The case of the respondent management according to his written statement filed is that the reference is bad as there is no demand notice made to the respondent before filing the claim in the conciliation. It is a case of resignation and not termination. Further stated in his written

statement that the workman was employed as probationary for nine months. On the completion of probationary period, her services were terminated on 1st November, 1980 and she submitted her resignation which was accepted against her signature. My finding on issue No. 1, is as under : -

#### Issue No. 1

To prove this issue, the respondent has filed Exhibit M-1 and M-2 and produced one oral witness Shri V. D. Makhija as MW-1 and closed his case. The workman produced Exhibit M-1 to Exhibit M-8 and workwoman came as her own witness as WW-1 and closed her case.

The representative of the management argued that the claimant was appointed on probation, —vide Exhibit M-1 and it was a contract of service which was binding on employed without showing any mala fide. He has further argued that the respondent terminated her services as she resigned from the job according to the Exhibit M-2 the termination letter and there is a resignation of claimant then there is no need to prove any thing more. So the service of the claimant were terminated according to her resignation after completing the probation period which was the condition of the services. She was terminated because her work was not satisfactory as reported by the supervisor of the concerned respondent. The witness of the respondent MW-1 manager of the respondent company has proved his case by statement that she was appointed on 28th January, 1980 as helper. The appointment letter Exhibit M-1 signed by her in his presence. She was appointed on probation and after the probationary period, her work was not satisfactory so on 31st October, 1980, the claimant was informed that her services had been terminated. The witness further stated that Exhibit M-2 dated 2nd November, 1980 was sent by him and the claimant also signed it in his presence.

The representative of the workman argued his case that the claimant was appointed on 8th January, 1980 and her services were terminated on 2nd November, 1980 without any charge-sheet or enquiry and she was given a letter of termination which is Exhibit W-1. The respondent-management sent this letter through U.P.C. which is Exhibit M-2. According to this letter the respondent terminated the services of the claimant. He further argued that the claimant sent a demand notice to the respondent-management and copy to the Conciliation Officer. The Conciliation Officer submitted his report Exhibit W-6, —vide Exhibit W-5. He further argued that the respondent has denied the demand notice on the management in his written statement. The representative of the workman draw my attention towards the demand notice Exhibit W-8 addressed to the Factory Manager of the respondent and further argued that the witness of the respondent has admitted in his cross examination that the respondent received a demand notice of the petitioner which is Exhibit W-8. He argued how this Court can believe the statement of such person who has signed the written statement denying the fact of receiving the demand notice and admit the same in his cross-examination. He further argued that the respondent takes the signature of every workman on the appointment letter at the time of appointment without filling the same and they filled it afterwards when they required and write according to their own interest. The claimant has admitted the signature of Exhibit M-1 appointment letter but she had given her explanation that she signed it as other workman were doing and not objected it and she had signed it on the blank paper without any writing on it. He further argued that respondent has produced Exhibit M-2, the resignation of the claimant which is forged one and there is cutting on the dates and it show that the papers has been got signed before writing anything on it. Although the claimant know Hindi very well. She can write Hindi very well but the resignation was not written by her own hand which is admitted by the witness of the respondent MW-1. He further argued that even after the demand notice, the respondent did not care for the notice of the conciliation officer and did not appear before him to give his statement as it is very clear from the report of the Conciliation Officer. He further argued that the claimant was a permanent employee and terminated wrongly. The claimant was not given appointment letter at the time of appointment so the condition of services of appointment was not known to the claimant. So it is deemed that she was a permanent employee. He further argued that the respondent took two plea in his case, one is that she was on the probation and after completion of probationary period her services were terminated as her work was not satisfactory. The second plea which the respondent has taken is of resignation. The respondent should have taken one plea to prove his case and in this way the respondent's both plea are false and not based on the strong grounds. If her services were terminated after completion of probationary period then what was need to take the resignation of the claimant. According to him the respondent got signed on some blank papers from the claimant at the time of appointment and they write on them whatever they desire in their own interest which is very clear from the fact from Exhibit M-1 as it bears no date on the same. The respondent witness MW-1 has admitted this fact in his cross-examination that there is no dates on the appointment letter. He further argued that if the work of the claimant was not satisfactory, the respondent issued no letter for her working condition and dis-satisfaction about her work. The respondent witness MW-1 has admitted this in his cross-examination that no such letter was issued to her about her working. He has stated that the supervisor verbally asked her about her work and the supervisor verbally reported this matter to the respondent management. The workman's representative further argued that it is very clear from the Exhibit W-6 that the respondent never came before Conciliation Officer but in the cross examination of the respondent witness MW-1 has stated in his cross-examination that their representative appeared in the Conciliation Proceeding which is wrong fact after admitted by the MW-1. So this witness cannot be relied upon who is stating falsely of the clear facts. He further argued that the respondent terminated her services when she demanded the increased pay which was declared by the Haryana Government as the respondent did not want to pay to the claimant according to the increased pay by the Government. The learned representative of the management cited 1980 Supreme Court cases (L & S) 446 and 1981 Labour and Industrial Cases page 557 to prove his case but the citation are not applicable in the present case.

After ing the parties and going through the whole record carefully, I am of the view that is some weight to the argument of the representative of the workman because the respondent has not come in the Court with clean hands as argued by the representatives of the workman. So as discussed above Issue No. 1 i.e. whether the workman has resigned her job voluntarily and abandoned the services of the respondent, goes in favour of the workman and against the respondent-management. As it was preliminary issue and decided in reference. When the workman has not resigned her job as concluded by me in above and also discussed that the termination was without any reason. When issue No. 1 goes in favour of the work woman then automatically issue No. 2 also goes in favour of the workman. So I decide Issue No. 2 in favour of the work woman on the basis of the above discussion. The claimant is entitled to her re-instatement with continuity of the service and with full back wages. No order as to costs. This may be read as an answer of this reference.

The 17th September, 1981.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana, Faridabad.

Endorsement No. 2796, dated the 17th September, 1981

Forwarded (four copies) to the Commissioner and Secretary to the Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the abovesaid award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana, Faridabad.

No. 9(1) 81-6 Lab/10880.---In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s. Haryana Roadways, Gurgaon.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 79 of 1981

between

Shri Ram Kumar workman and the respondent management of M/s. Haryana Roadways, Gurgaon.

None for the workman.

Shri K.L. Piplani for the respondent.

#### AWARD

This reference No. 79 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/59-80/7950 dated 13th February, 1981 under Section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ram Kumar and the respondent-management of M/s. Haryana Roadways, Gurgaon. The term of the reference was :—

Whether the termination of services of Shri Ram Kumar was justified and in order ? If not, to what relief is he entitled ?

On receiving this reference, notices were issued to the parties and parties came present in the Court on 12th March, 1981. The workman was represented by Shri S.K. Goswami without any authority letter, and the representative takes date for filing the claim statement. On 6th May, 1981, the representative of the workman failed to comply the instructions of the Court to file the authority letter of the workman. The workman has received the notice of the Court on the address given by him on the reference and Shri S.K. Goswami received the instructions to appear but he did not receive the authority letter. My predecessor ordered *ex parte* proceeding against the workman on that day because the workman has not appeared even proper notice and failed to give the authority to his representative. After this date, the Court gave 3 opportunity to the respondent to produce their *ex parte* evidence and on 28th August, 1981 the respondent management produced their *ex parte* evidence in the case and produced two witnesses MW-1 Shri Mool Chand Establishment Assistant of Haryana Roadways Faridabad and Shri Khushi Ram, Inspector, Haryana Roadways, Gurgaon as MW-2 and closed his evidence. In this case after receiving the reference in this Court, the claimant did not come present even after proper notice to him. No claim statement and rejoinder filed. The respondent filed their written statement and Ex. M-1 an appointment letter, Ex. M-2 a report of the Inspector, Ex. M-3 the office comments of the report and Ex. M-4 the termination letter and produced two witnesses and MW-1 and MW-2 she stated the case of the respondent in details.

There is only one issue before me as per reference and in these circumstances as stated above there is choice to me except to give my finding in favour of the respondent Roadways that the order of termination is justified, proper and in order. No order as to costs. This may be read as answer of this reference.

The 17th September, 1981.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endorsement No. 2795, dated the 17th September, 1981

Forwarded (four Copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledge within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

No. 9 (1) 81-6 Lab/10881. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s. S.G. Steels Private Ltd., Plot No. 6, Sector 4, Ballabgarh.

H.L. GUGNANI,

Commissioner and Secretary to Government, Haryana,  
Labour and Employment Departments.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 281/1980

Between

Shri M.S. Gola Workman and the Respondent Management of M/s. S.G. Steels Private Limited, Plot No. 6, Sector-4, Ballabgarh.

Present :—Shri Yoginder Singh, for the workman.

Shri J. S. Saroha, for the management.

#### AWARD

This reference No. 281 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,— vide his order No. ID/FD/48-80/34642, dated 26th June, 1980 under Section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri M.S. Gola workman and the respondent management of M/s. S.G. Steels Private Limited Plot No. 6, Sector-4, Ballabgarh. The term of the reference was :—

“Whether the termination of services of Shri M.S. Gola was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties. Parties appeared and filed their pleadings on the date fixed. On the pleadings of the parties, the following issues were framed :—

- (i) Whether the termination of services is proper justified and in order ? If not, to what relief is he entitled ?
- (ii) Whether it is a case of loss of confidence of the workman by the management. If so, to what effect ?

The respondent management lead their evidence and produced 14 documentary evidence and three witnesses and closed their case. Whereas the workman produced one documentary evidence and his own statement as WW-1.

The case of the workman according to his demand notice and claim statement is that he joined the respondent management on 26th April, 1976 as Store-keeper and was drawing Rs. 412 as his wages. He was doing his duties properly and the respondent management had no any occasion to point out about the work of the claimant. The claimant was a active member of the kamgar Union and used to take interest in the Union activities. The respondent management refused entry on 9th February, 1980 and paid full wages for the month of February, 1980 on 7th March, 1980. The respondent management handed over a letter for termination alleged loss of confidence by the respondent management which was protested by the claimant and he sent a letter to the Deputy Commissioner Faridabad and other authorities for illegal action of the respondent management. Before this date, the respondent management never told verbally to the claimant or writing about his conduct as store-keeper for the first time before the Conciliation Officer, the respondent management gave him writing that the claimant was indulging in passing out official secrets to outsiders and was in the habit of lodging false reports. The respondent has not followed the procedure prescribed in Certified Standing Orders and not given any opportunity to the claimant to clean his image. The respondent management acted in vengiance with intention to victimize the claimant for his various activities including trade union activities and prayed for re-instatement with full back wages and continuity of service.

The case of the respondent according to his written statement is that the claimant was appointed as store-keeper on 26th April, 1976 on consolidated salary of Rs. 300 per month by the old management of S.G. Steels (P) Ltd., and his present salary was Rs. 412 per month. The claimant was in the habit of reporting against the management in different departments and leaking out vital secrets to out-siders resulting in placing the management in a very difficult position. He made complaint against his superiors to the managing director of the company who deputed Senior Officer to investigate the correctness of the complaints. But after investigations, the complaints were found false and frivolous and as a result of which the management decided to terminate the services of the claimant on 12th March, 1980, as the respondent management has lost the confidence of the claimant as store-keeper of the company. The claimant has never approached the management but on the contrary he straight away sent his demand notice dated 17th March, 1980 to the conciliation officer without resorting to any approach to the management and as such present demand notice raising the present disputes is bad in law and in competent. The claimant made false complaints to the police before this demand notice which were investigated to be false. He used these pressure tactics against the management and threatening that he will make false report to the different departments to involve the management without any cause which indicates bad intention and mischievous attitude against the management. According to the written statement filed by the respondent management, the claimant never struck to the seat of his work and kept loitering hither and thither and his work performance was not normal as there were number of complaints about his behaviour and work. The claimant tried to play with the dignity of the management by making false reports to the S.S.P. and Deputy Commissioner which is admitted by the claimant. He used to surpass the Store Officer and Commercial Manager by making false and malicious reports to the Managing Director. The claimant was indulging in threats using unparliamentary language which is clear from the correspondence. My finding on issues No. 1 and 2 are as under :—

#### Issue No. 1 and 2 :

To prove issues No. 1 and 2, the management has produced Ex-M-8, a letter from the claimant to the Manager Administration. In this complaint, the claimant has reported against his superior officer. Ex. M-2 is a letter from the Manager Administration to the claimant for asking his explanation for the absence from the Store without permission. On the same letter the claimant has written that I am poor at correspondence. Further stated that I cannot give written explanation and that no body in the stores informed that you are looked out from me, and further it was that Mr. Thomas to seek clarification on certain items and signed by the claimant. The store-keeper who is just like a clerk in the office gave loss reply to the Manager administration clearly shows his conduct and behaviour. The respondent had produced Ex. M-3 a confidential letter to the Manager Administration in which the Store Officer has written that the claimant has made a complaint verbal and written to the top Management at Delhi in respect of working in store department where by reflecting maladministration going on in the stores for which Shri A.S. Grewal visited the factory and investigated in person and found complaints suspected to be made by Mr. M.S. Gola and gave his report revealing that he has been leaking secrets of the Stores Department to the out siders so the behaviour of the claimant as store-keeper an assistant of mine is un-co-operative and uncompromising and he is not trustworthy to retain secrets of stores administration and his honesty is not above board. I have already written complaints against Mr. Gola since 1977 on ward. I feel apprehended that if timely action is not taken against him it will lead financial loss and loss of reputation of the company. The respondent management has also put Ex. M-4 a letter from Shri M.C. Sharma to the administration Manager complaining against the claimant. Ex. M-5 is a letter from M.C. Sharma to the Store Officer complaining against the claimant about the working of the claimant as the claimant workers and their leaders to come and sit around him and gives to them irrelevant information which is against the company interest. Ex. M-6 is a confidential letter against the claimant about his working and behaviour as working as store keeper. Ex. M-7 is a letter to the store officer dated 12th December, 1979 from store incharge about the working of Mr. Gola as Ex. M-5. Ex. M-8/1 is a letter from the store to the Manager administration complaining against the claimant for his usual return and not working properly in the store inspite of verbal warning. Ex. M-9 is a letter from the store to the Manager Administration that throughout the day the workers, their representatives remained sitting with the claimant and goes on talking with them and it is most suspected that he instigates and creating indiscipline among the workers and Ex. M-14 is a letter from Shri B.S. Mathur, Store Officer to the Manager Administration dated

24th September, 1977 in reference of claimant's letter dated 22nd September, 1977 address to the Manager Administration. In this letter, the store officer has cleared his position about complaint made by the claimants. Ex. M-13 is a letter from the Shri B.S. Mathur to Mr. Gola store-keeper dated 20th September, 1979 copy to the Manager Administration against claimant. The letter is default of the claimant in premises and it is not corrected upto this time. Ex. M-12 a letter from the Store Officer to Mr. M.S. Gola dated 17th September, 1977 copy to Mr. S. Kumria, Manager Administration in which Store Officer has written that inspite of repeatedly asking you not to do so, you are instead of bringing the clerical errors made by other store staff coming to your notice while posting ledgers to the individual concerned's notice and get it rectified, you are in habit of reporting the same directly to Stores Manager without bringing it to my notice. On 16th September, 1976, you reported directly to Stores Manager without bringing to my notice in the error made by Mr. S. K. Sharma. Please do not do so in future and act in accordance with instructions given to you. Ex. M-11 is a letter from Store Officer to Mr. Kumria dated 20th September, 1977 in which he has written that about half an hour ago when Mr. Gola on receiving my letter dated 20th September, 1977 returned from office to store he came to me and started threatening me "I am a very bad man, if you make such reports so and stated in this letter that he misbehaved with me. The respondent management has produced Ex. M-1 a report of Mr. A.S. Grewal who has investigated against the complaints made by Shri M.S. Gola against all his superiors. He visited the factory twice for enquiry in the matter and came to the conclusion that it would be in the interest of organisation that his services to be dispensed with. The respondent has produced Shri Anoop Singh Grewal, Deputy General Manager of the respondent Company as MW-1 who has stated in his statement that the claimant made some complaints against Mr. Mathur, Store Officer and the Manager Administration Shri S. Kumria verbally. In respect of these complaints he visited the factory and enquired into these complaints at the spot and found these complaint as false. He has admitted the report Ex. M-1 filed by him. He has stated that he checked store ledger which were found in order and correct. He found the complaints baseless and on the same he gave necessary order contained in Ex. M-1. He made this report because he is in superior position and convinced about the behaviour and trust worthyness of the claimant so he passed these orders. He further stated in his cross examination that he had enquired the matter from Mr. Gola when he made a complaint. The complaint was lodged in the office at Maya Puri Delhi which was in the February, 1980. He further stated in his cross examination that charge levelled against two senior officer to Mr. M.S. Gola where on my verbal investigation he found that Mr. M.S. Gola was guilty of the such acts and that his services shall be ordered to be dispensed with immediately and two his officers were trust worthy and work creditability. The second witness of the respondent Shri Suharshan Kumria as MW-2 narrates and put up the whole case of the respondent in his statement that he enquired into several complaints received by him from the Store Officer against the claimant. These are Ex. M-3 to M-9 and others and found them correct. The claimant also made certain complaints against the superior officer of the stores which were investigated and found without substance. Deputy General Manager Shri Grewal also investigated some complaints of Mr. M. S. Gola and send the report for the same and on the bases of the same the order for terminate on basis of loss of confidence was made. He further stated in his cross examination that the claimant made the complaint in police against the officers of respondent company whichever found baseless. In re-examination, the witness has stated that he has discussed about the termination of the claimant with the president of the union of the factory Mr. Rajwant and he had given the green signal to us to do so. The third witness produced by the respondent Shri B.S. Mathur, Store Officer stated in his statement that the Mr. Gola was appointed in the year 1975 as storeman. The workman made complaints Ex. M-3 and M-4 and he identify his signature as he worked with him. He stated that he had no enmity with the claimant and made the complaints against him according to the facts of working, his conduct and indiscipline. The union workers were always flocking around and surrounding of M.S. Gola in the store and he was fed up of this fact and act of the claimants, so he made the complaints against him. He further stated that the workman used to look out the secrets of the store to the out sider and even his colleagues made the complaints against him for his misbehaviour which the witness forwarded to the Manager. He stated that his services were terminated because the workman used to instigate the other workmen even in the store against the respondent management. The claimant made the false report to the Head Office at Delhi for which investigation were made by the Deputy General Manager of the factory personally and ordered the same after satisfaction about the working of the workman. In the cross examination the witness stated that the claimant removed some complaints from the file concerning to the claimant. He further stated that union members used to sit with the workman daily and which hindens the work of the store. The work of the store used to held up some time due to large number of person sitting with the claimant. The claimant used to instigate the other workmen. The respondent has produced one document at the and which was not objected by the representative of the workman and that is to prove that the workman is in gainfull employment from the very beginning which is admitted by the workman in his cross-examination.

The claimant on the other hand produced Ex. W-1 a termination letter from respondent in which the respondent has written that as the management has lost confidence on you as storekeeper, your services are no more required. He has come as his own witness as WW-1 and stated that he joined the respondent company on 26th April, 1976 as store-keeper and the respondent close his entry on 9th February, 1980 without any reason and does not know when his name was struck off from the roll, further said that the manager called him in the office and handover the termination letter on 14th March, 1980 which is Ex. W-1 and offered me final accounts. Shri A.S. Grewal Deputy General Manager was also present there, and he threatened the claimant with a revolver. He admitted in his cross-examination that he had received wages upto 14th March, 1980 without any work done by him. He denied the suggestion that respondent had told about the loss of faith on 14th March, 1980 but he had admitted further that he had mentioned this fact in his demand notice. Further admitted the signature and



writing on Ex. M-2, admitted the suggestion that he was not office bearer in the union of the company. He further admitted that he made the complaint to the managing director about the store had administration in the year 1979. He further admitted that Deputy General Manager or the Manager did not demand his resignation on 14th March, 1980. He admits the signature of officers on Ex. M-3 to Ex. M-5 and Ex. M-7 and Ex. M-8. He also admits in his cross-examination on suggestion that the other workman used to come to him in his store for consultation and instructions during duty hours and he imparted instructions and participated in consultation for union activities with them when they come to him being active members of the union. He had admitted that he is inter-media and English was one of his language.

The respondent's representative argued the case that the claimant was working as storekeeper which is a post of responsibility and the management should have full faith and confidence in him otherwise the workman cannot go smoothly. Further argued that the claimant made false complaints about the management to the police and to the other authorities. The Manager wrote the letters Ex. M-7, Ex. M-4 and Ex. M-9 in the year 1979 and he was advised to improve his working but there was no change in his working and behaviour. He did not reply the explanation called from him and he used unparliament language to the higher officer which is very clear from the letter Ex. M-2 in which he refused to give explanation to the Manager Administration. The language of it shows his conduct and behaviour towards the superiors officer. He further argued that the claimant has stated in his statement that on 14th March, 1981 he was threatened by Deputy General Manager on pistol point but it is not correct as he received the termination letter written on it taken under protest. They should have taken the resignation on pistol point from the claimant but the claimant has denied the suggestion that the respondent did not ask me to give resignation. It is very clear that there was no threat and it is a written statement of the claimant. The claimant has not mentioned this fact in his demand notice or claim statement so it is very clear that the statement of the claimant is false and cannot be believed. He further argued that the claimant has produced no evidence or documents to prove his point only relates to the conclusion that they are false and not based on the facts. He further argued that the claimant has admitted in his cross-examination that he is not office bearer of the union and further admitted that the members and leaders of the union used to come to him in office hours in the store to discuss or consult and take instructions from him. The main allegation of the respondent is that outsiders used to come to the claimant and they sit hours together in the store which hinders the working of the store and the claimant did not work in these hours except to instigate the workmen against the management which was reported by the Store Officer to the Manager Administration,—vide Ex. M-5 and M-7. He further argued that self admission is a best evidence against the person so it is proved fact that the claimant used to sit in the store with the leaders of the union and workmen including outsiders and used to look but the secrets of the respondent management about store and other activities which is a cause of loss of confidence of the respondent management against the claimant and respondent observed these thing from the year 1979 and issue instructions to him onward but there was no change rather the claimant made false complaints against Store Officer to the Managing Director and Deputy General Manager at Delhi who personally came in the factory and enquired the whole facts and found the complaints false and baseless. The complaints against the superior officer was due to the facts that they used to ask the claimant not to do such things in the store. The claimant annoyed on the objections by the superior officers and made complaints against them to the Managing Director and Deputy General Manager surpassing the others superior officer in the factory. This whole shows this conduct against the superior officer. It was very difficult for the superior officer in the store to work efficiently and smoothly which they reported to the superior officer and after considering all the facts, the superior officers ordered the same. He further argued that the claimant has stated in his statement that the respondent had not told about the loss of faith in him on 14th March 1980 but on the other hand he received a letter under protest with the same description and the claimant mentioned this fact in his demand notice which he has admitted in his cross-examination. The representative of the management has not marked the exhibits properly. The representative of the management referred the following citation which are as under :—

1. "1971 Lab. I.C.1393-Supreme Court :—  
M/s. Francis Kiln & Co. Pvt. Ltd., (Appellant)

*Versus*

Workmen and another.

"Re-instatement of workman where the services of an employee who is discharging an office of trusts are terminated on ground of loss of confidence, the Industrial Tribunal should not either direct his re-instatement or direct that he should be employed in another job".

2. "1975 LLJ.Vol. II. 357, Supreme Court :—  
M/s. Chembur Co-operative Industrial Estate Ltd.,

*Versus*

M.K. Chhatre and another.

Labour Court disbelieving the evidence of Management, ordering re-instatement-through Court dismissing Writ in limine-Supreme Court upholding the decision of High Court Employer having lost confidence of the employee-Held, Compensation in lieu of reinstatement, adequate

3. Assam Oil Company Ltd.,

*Versus*

Workman.

AIR 1960-S.C. 1264, 1960 I.L.L.J. 587.

"In the special case of loss of confidence of the employee, it would not be fair either to the employees or to the employer to direct reinstatement".

On the other hand the representative of the workman argued that the claimant was petty clerk in the store. There was no such duties with the workman which required confidence and the letters written from Ex. M-2 to Ex. M-9 are interna letters though the letters are mentioned by the workman in his cross examination but there is no file kept by the respondent management in his office for these letters and the claimant was not given any letters or opportunity. It was necessary the claimant was competent store-keeper. The workman did not make any written complaints to the Deputy General Manager and he has investigated the same. It was all due to the union activities of the claimant. The learned representative of the workman referred two books volume II-LLJ, page 72 of 1978 and Volume II LLJ, page 398 of 1980 in his argument at the time of argument but he has not given any book to me for study. I cannot say what these references say.

After hearing the argument from both sides and gone through the whole file carefully, I am of the view that there is weight in the arguments of the representative of the management. People enter in the factory to earn their bread but after sometime forget their duties towards the management and towards their children. They become leaders and forget their original duties in the factory as in this case, the respondent management appointed the claimant to work in the store as Store-keeper and not to work as leader of the union even in the office hours of the store. It is quite clear that when some leaders came together in the office and discuss their problems, it is very difficult even for the other persons to work smoothly and properly and the person with whom they sit cannot work for his duties. The claimant has admitted this fact in his cross-examination that members of the union used to come to him in the office hours in the store and they consult him and take the instructions from him about union activities. The claimant proves the allegation of the respondent even in his own statement. So I agree with the arguments of the respondent management. The claimant is not entitled to any relief. The orders of the respondent for termination is justified and in order and it is a case of loss of confidence of the respondent in the workman. No order as to costs. This may be read an answer of this reference.

HARI SINGH KAUSHIK,

Dated, the 3rd September, 1981.

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endorsement No. 2794, dated the 17th September, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employments Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

No. 9(1)-81-8Lab/10681.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s R. S. Engineering Company, Sector 24, Faridabad.

**BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL  
HARYANA, FARIDABAD**

**Reference No. 192 of 1981**

*between*

**SHRI NOOR MOHAMMAD, WORKMAN AND THE MANAGEMENT OF M/S R. S. ENGINEERING  
COMPANY, SECTOR 24, FARIDABAD**

**Present :—**

Shri Yoginder Singh, for the workman.

None for the management.

#### **AWARD**

By order No. ID/FD/76/81/80631, dated 23rd June, 1981, the Governor of Haryana referred the following dispute between the management of M/s R. S. Engineering Company, Sector 24, Faridabad and its workman Shri Noor Mohammad, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Noor Mohammad was justified and in order? If so, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The workman appeared but the management did not appear despite service. The management was proceeded *ex parte* and the case was fixed for *ex parte* evidence of the workman. The workman in his *ex parte* statement stated that he was employed by the management since 5th June, 1979, as an Electrician on wages of Rs 315 per mensem. On 11th July, 1981, he fell sick and he sent ESI certificate of seven days to the management. After availing leave when he went to the factory with a fitness certificate to join his duty the management did not take him on duty. He was unemployed.

Believing *ex parte* statement of the workman I give my award that the termination of services of the workman was neither justified, nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. I order accordingly.

Dated the 11th September, 1981.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal Haryana, Faridabad.

No. 806, dated the 14th September, 1981

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal Haryana, Faridabad.

No. 9(1) 81-6Lab/10680.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Hind Timber, Industrial Area, Yamuna Nagar.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL HARYANA, FARIDABAD  
Reference No. 83 of 1980

between—

SHRI SUDAMA PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S HIND TIMBER  
INDUSTRIES, INDUSTRIAL AREA, YAMUNA NAGAR

Present :—

Shri Rajeshwar Nath, for the workman.  
None for the management.

#### AWARD

By order No. ID/YMN/157-80/60534, dated 17th December, 1980, the Governor of Haryana referred the following dispute between the management of M/s. Hind Timber Industries, Industrial Area Yamuna Nagar, and its workman Shri Sudama Parshad, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Sudama Parshad was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference notices were issued to the parties. The management did not appear despite service. The representative for the workman was present. The management was proceeded against *ex parte* and the case was fixed for the *ex parte* evidence of the workman. The workman in his *ex parte* evidence stated that he was employed by the managemens since 1976 on wages of Rs. 240 per month. The management terminated his services in the month of July, 1980. He had proceeded on leave. When he came back after availing leave the management did not take him back on duty. He was unemployed.

Believing *ex parte* statement of the workman I give my award that the termination of services of the workman was neither justified, nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages.

Dated the 11th September, 1981

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 805, dated the 14th September, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.